

Remarks

The Office Action mailed March 10, 2006 has been carefully reviewed and the foregoing remarks are submitted in consequence thereof.

Claims 1-17, 21-24, 26, and 32-48 are now pending in this application. Claims 1-48 are subject to a restriction requirement. Claims 18-20, 25, and 27-31 have been canceled.

Solely for purposes of a full response, Applicants elect, with traverse, to prosecute the invention of Group I, Claims 1-9, 16-17, 34-35, 37, and 40-48.

The restriction requirement is traversed because the inventions set out by the claims in Groups I - IX are clearly related. It is believed that a thorough search and examination of any claim group would be relevant to the examination of all other groups. In addition, requirements for restriction are not mandatory under 35 USC 121. Accordingly, reconsideration of the restriction requirement is requested.

The Examiner has shown no undue burden in searching all Claims, 1-48. It would appear that searching of all claims in the invention would be a more practical, useful and efficient use of resources.

Applicants submit that this restriction is contrary to 35 U.S.C. 121, 37 C.F.R. 1.141 and 37 C.F.R. 1.142 which requires that in order to sustain a restriction then the alleged different inventions must be both independent and distinct. However, here the Examiner seems to have adopted an "independent or distinct" standard, because the restriction is based on one (distinctness) of these two statutory requirements. Thus the Examiner fails to provide a sufficient basis at law to sustain the restriction. Thus the restriction requirement is overcome and should be withdrawn. All claims should be rejoined and searched at this time.

In response to the separate restriction and solely for purposes of a full response, Applicants elect, with traverse, SEQ ID NO: 6.

The separate restriction requirement is traversed because the SEQ ID NOs set forth in the Office Action are clearly related. Furthermore, it is believed that a thorough search and examination of each SEQ ID NO would be relevant to the examination of the others. Accordingly, reconsideration of the separate SEQ ID restriction is requested.

In view of the foregoing remarks, reconsideration and withdrawal of this restriction is respectfully requested. Furthermore, all the claims in this application are believed to be in condition for allowance.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Patrick W. Rasche", written over a horizontal line.

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